

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No.: 10/579,019

CONF. NO. 3890

Applicant: ZIRZOW et al.

Filed: January 16, 2007

**VIA EFS WEB E-FILING**

Title: Use of Additionally Fermented Distillers  
Grains for Preventing and/or Treating  
Increased Blood Sugar Values

Art Unit: 1761

Examiner: To Be Assigned

Docket No.: 8417.87869

Customer No.: 22242

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Sir:

Applicants respectfully request that the U.S. Patent and Trademark Office issue a corrected Filing Receipt for the above-identified application.

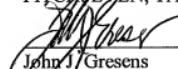
The Filing Receipt mailed on March 19, 2007 contains a error in the name of the inventor, Martin Muller's city. The city of "Freising, Germany" should read Soest, Germany.

Enclosed is a copy of the Filing Receipt (Exhibit A) with the above corrections noted

Dated: 4/11/07

Respectfully submitted,

FITCH, LEVEN, TABIN & FLANNERY

  
John J. Gresens  
Reg. No. 33,112

120 S. LaSalle Street, Suite 1600  
Chicago, Illinois 60603

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## UNITED STATES PATENT AND TRADEMARK OFFICE

A.G.Y.C.M.

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Adm. of the CHIEF EXAMINER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE RECD	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/579,019	01/16/2007	1761	1580	8417.87869	31	1

CONFIRMATION NO. 3890

22242  
 FITCH EVEN TABIN AND FLANNERY  
 120 SOUTH LA SALLE STREET  
 SUITE 1600  
 CHICAGO, IL 60603-3406

DOCKETED

MAR 8 9 2007

BY:

FILING RECEIPT



\*OC000000022876229\*

Date Mailed: 03/19/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Karl-Heinz Zirzow, Rudelzhausen, GERMANY;  
 Dirk Bokenkamp, Werne, GERMANY;  
 Martin Muller, ~~Freising~~, GERMANY; *Soest, Germany*  
 Tom Dieck Heike, Freising, GERMANY;

**Assignment For Published Patent Application**

Bioghurst Biogarde GmbH & Co., KG, Freising, GERMANY

**Power of Attorney:** The patent practitioners associated with Customer Number 22242.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/EP04/12875 11/12/2004

**Foreign Applications**

GERMANY 103 52 822.9 11/12/2003

**If Required, Foreign Filing License Granted:** 03/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/579,019**

**Projected Publication Date:** 06/21/2007

EXHIBIT

A

ALL-STATE LEGAL SUPPLY CO.

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Use of additionally fermented distillers grains for preventing and/or treating increased blood sugar values

**Preliminary Class**

426

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8417.87869
		Application Number	
Title of Invention	Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values		
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

## Secrecy Order 37 CFR 5.2

<input type="checkbox"/> Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)
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## Applicant Information:

### Applicant 1

Applicant Authority	<input checked="" type="radio"/> Inventor	<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
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Prefix	Given Name	Middle Name	Family Name	Suffix
	Karl-Heinz		ZIRZOW	

Residence Information (Select One)		<input type="radio"/> US Residency	<input checked="" type="radio"/> Non US Residency	<input type="radio"/> Active US Military Service
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City	Rudelzhausen	Country Of Residence	i	DE
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Citizenship under 37 CFR 1.41(b) i		DE		
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#### Mailing Address of Applicant:

Address 1	Freislinger Strasse 4			
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Address 2				
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City	Rudelzhausen	State/Province		
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Postal Code	84104	Country	i	DE
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### Applicant 2

Applicant Authority	<input checked="" type="radio"/> Inventor	<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
---------------------	---	--	---

Prefix	Given Name	Middle Name	Family Name	Suffix
	Dirk		BOKENKAMP	

Residence Information (Select One)		<input type="radio"/> US Residency	<input checked="" type="radio"/> Non US Residency	<input type="radio"/> Active US Military Service
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City	Werne	Country Of Residence	i	DE
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Citizenship under 37 CFR 1.41(b) i		DE		
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#### Mailing Address of Applicant:

Address 1	Am Bellingholz 18			
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Address 2				
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City	Werne	State/Province		
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Postal Code	59368	Country	i	DE
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### Applicant 3

Applicant Authority	<input checked="" type="radio"/> Inventor	<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
---------------------	---	--	---

Prefix	Given Name	Middle Name	Family Name	Suffix
	Martin		MULLER	

Residence Information (Select One)		<input type="radio"/> US Residency	<input checked="" type="radio"/> Non US Residency	<input type="radio"/> Active US Military Service
------------------------------------	--	------------------------------------	---	--

City	Soest	Country Of Residence	i	DE
------	-------	----------------------	---	----

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8417.87869
		Application Number	
Title of Invention	Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values		
<b>Citizenship under 37 CFR 1.41(b) i</b>		DE	
<b>Mailing Address of Applicant:</b>			
Address 1		Burghofstrasse 8	
Address 2			
City	Soest	State/Province	
Postal Code	59494	Country	DE
<b>Applicant 4</b>			
Applicant Authority <input checked="" type="radio"/> Inventor		<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name
	Tom		DIECK HEIKE
<b>Residence Information (Select One)</b> <input type="radio"/> US Residency <input checked="" type="radio"/> Non US Residency <input type="radio"/> Active US Military Service			
City	Freising	Country Of Residence	DE
<b>Citizenship under 37 CFR 1.41(b) i</b>		DE	
<b>Mailing Address of Applicant:</b>			
Address 1		Thalhauser Str. 21	
Address 2			
City	Freising	State/Province	
Postal Code	85354	Country	DE
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. <input type="button" value="Add"/>			

### Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.  
For further information see 37 CFR 1.33(a).

An Address is being provided for the correspondence Information of this application.

Customer Number 22242

Email Address

### Application Information:

Title of the Invention	Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values		
Attorney Docket Number	8417.87869	Small Entity Status Claimed	<input type="checkbox"/>
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)			Suggested Figure for Publication (if any)

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8417-87869
		Application Number	
Title of Invention	Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values		

**Publication Information:**

Request Early Publication (Fee required at time of Request 37 CFR 1.219)

Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

**Representative Information:**

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> US Representative (37 CFR 11.9)
Customer Number	22242		

**Domestic Priority Information:**

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status		<input type="button" value="Remove"/>	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)

Additional Domestic Priority Data may be generated within this form by selecting the Add button.

**Foreign Priority Information:**

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

<input type="button" value="Remove"/>			
Application Number	Country i	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
10352822.9	DE	2003-11-12	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input type="button" value="Remove"/>			
Application Number	Country i	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
2004012875	EP	2004-11-12	<input checked="" type="radio"/> Yes <input type="radio"/> No

Additional Foreign Priority Data may be generated within this form by selecting the Add button.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	8417.87869
		Application Number	
Title of Invention	Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values		

### **Assignee Information:**

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.

#### **Assignee 1**

If the Assignee is an Organization check here.

Organization Name	Bioghurt Biogarde GmbH & Co. KG
-------------------	---------------------------------

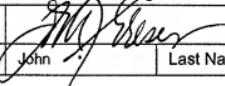
#### **Mailing Address Information:**

Address 1	Lise-Meitner-Str. 34		
Address 2			
City	Freising	State/Province	
Country	DE	Postal Code	85354
Phone Number		Fax Number	
Email Address			

Additional Assignee Data may be generated within this form by selecting the Add button.

### **Signature:**

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.

Signature			Date (YYYY-MM-DD)	1/16/07	
First Name	John	Last Name	Gresens	Registration Number	33112

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.